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Report of the Working Group on the Universal Periodic Review*

Afghanistan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Introduction

1. The Government of Islamic Republic of Afghanistan (GIRoA) presented its second Universal Periodic Review (UPR) five months ago to United Nations Human Rights Council. During this time, Afghanistan has achieved more progress in the follow up of Recommendations accepted by the Government.

2. Upon return, the Afghan delegation held numerous meetings with Steering Committee and Technical Working Group on implementation of accepted Recommendations. Ministry of Foreign Affairs and Ministry of Justice with other sectorial institutions translated these recommendations into national official languages and after categorizing them, they have been reviewed and analyzed and shared with 30 government institutions. For the better implementation of the accepted Recommendations, raising awareness programmes have been held in sectorial institutions.

3. For the complete implementation of these Recommendations, some programmes have considered for the future. Their inclusion in Recommendation Action Plan, finalization of Recommendation Action Plan in coordination with relevant and sectorial organisations, follow up of Recommendation Action Plan in ministries and other government institutions continuously and provide technical cooperation to the Recommendation implementing partners are the Islamic Republic of Afghanistan programmes in future.

Islamic Republic of Afghanistan status on 34 Recommendations that have been suspended for assessment and review until June

4. The 34 Recommendations that have received by the Afghan delegation during the presentation of second UPR report, have been shared with relevant government and sectorial institutions for assessment and review and also considering their implementation opportunity. But because the Recommendations are numerous and cover a wide range of topics and also due to the lack of technical facilities, including lack of budget for the official translation of conventions and their optional protocols that require Afghanistan accession, are the main barrier to provide response to the 34 Recommendations.

5. Therefore, the Government of Islamic Republic of Afghanistan in consultation with sectorial institutions, divides these 34 Recommendations into 2 categories:

(a) The first category includes Recommendations No 1, 2, 7, 8, 9, 10, 11, 12, 19, and 21. Islamic Republic of Afghanistan accepts these recommendations. Work will be started on these Recommendations after the processes are completed.

(b) The second category includes the Recommendations No 3, 4, 5, 6, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, and 34. Islamic Republic of Afghanistan wants to review and assess these recommendations until the translation and assessment of barriers and their implementation opportunity. Most of these recommendations require Afghanistan accession to some conventions and their optional protocols. Since accession to some conventions and their optional protocols is a long process and needs extensive consultation and professional studies, therefore, the Government of Afghanistan scrutinize the above Recommendations once again.

6. About the Recommendation No 32, it should be mentioned that GIRoA has already acceded to the Optional Protocol to the Convention on the Rights of the Child regarding the involvement of children in the armed conflict.

Considering the above mentioned matter, the following recommendations have been accepted by the Islamic Republic of Afghanistan

137.1. Consider ratifying the International Convention of the Rights of Migrant Workers (Egypt);

137.2. Ratify the optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime and; the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution of the South Asian Association for Regional Cooperation (SAARC) (Spain);

137.7. Respond positively to requests to visits made by the Special Rapporteur on violence against women it causes and consequences (Mexico);

137.8. Respond positively to requests to visits made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Mexico);

137.9. Expand cooperation with the special procedures, including with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment, and Special Rapporteur on violence against women, its causes and consequences (Tajikistan);

137.10. Consider incorporating the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measure for Women Offenders, otherwise known as the "Bangkok Rules", as a part of its programme to enhance the conditions of women detainees in prison (Thailand);

137.11. Adopt measures to combat cases of torture and ill-treatment in the detention centres (France);

137.12. Address shortcomings identified by international election monitors and ensure that the election and campaigning ahead of them, including the access of candidates to the media are transparent, free and fair (Czech Republic);

137.19. Implement the objectives of its 2005 Action Plan on Peace, Justice and Reconciliation and the National Priority Programme no. 6 in relation to human rights, and prosecute persons who committed grave human rights violations or war crimes (Switzerland);

137.21. Give the Afghanistan Independent Human Rights Commission the independence and legal authority to hold to account perpetrators of detainee mistreatment (United Kingdom of Great Britain and Northern Ireland).

The Government of Afghanistan wants to study the following recommendations once again till the analyses of barriers, implementation opportunities, extensive consultation with sectorial institutions are carried out and will provide answers to them in proper time

137.3. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, Optional Protocol to the Convention against Torture, and Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Tunisia);

137.4. Uphold efforts aimed at the practical implementation of its human rights commitments and accede to the optional protocols of the human rights conventions to which it is a party (Hungary);

137.5. Enhance cooperation with the Human Rights Council by issuing a standing invitation to special procedures and accepting all visits requested by mandate holders (Hungary);

137.6. Strengthen its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and eventually consider extending a standing invitation to all the special procedures mandate holders (Latvia);

137.13. Repeal article 398 of the Afghan Penal Code with a view to ensuring full accountability for the perpetrators of so called honor killings (Poland); A/HRC/WG.6/18/L.225;

137.14. Repeal article 398 of the Penal Code which gives perpetrators of honour killings legal concessions (United Kingdom of Great Britain and Northern Ireland);

137.15. Amend the National Reconciliation, General Amnesty and National Stability Law to allow for prosecutions of certain crimes, such as genocide, war crimes and torture (Sweden);

137.16. Reinforce and consolidate recovery of the country and national reconciliation and remedy past human rights violations through the establishment of a transitional justice strategy (Morocco);

137.17. Decisively take issue with human rights violations and war crimes of the past decades with a view to bringing the perpetrators to justice (Germany #05);

137.18. Ensure a national mechanism for transitional justice and national reconciliation, starting with the immediate release of the conflict mapping report of the Human Rights Commission and ensure adequate security assistance for its staff (Netherlands);

137.20. Adhere to the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness (Uruguay);

137.22. Accede to and fully implement the Optional Protocol to the CEDAW, amendment of laws that discriminate against women, and facilitate a broad public discussion on women's rights and equality (Czech Republic);

137.23. Ratify the Agreement on Privileges and Immunities of the International Criminal Court and take all necessary measures for their implementation as well as the preservation of the integrity of the Rome Statute (France);

137.24. Ratify the Kampala Amendments to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);

137.25. Accede to the Agreement on Privileges and Immunities of the International Criminal Court (Slovakia);

137.26. Sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);

137.27. Ratify the Optional Protocol of the Convention against Torture and to take policy measures to prevent torture and ill treatment (Estonia);

137.28. Ratify the Optional Protocol against Torture (OPCAT), and by virtue of the latter, establish a national preventive mechanism (Switzerland);

137.29. Accede to the Optional Protocol to the CAT and implement measures ensuring prompt and impartial investigation of ill treatment and torture of A/HRC/WG.6/18/L.226 detainees and strengthen the accountability mechanisms for police and armed forces (Czech Republic);

137.30. Ratify the optional protocols no. 1 and 2 to the ICCPR as well as the OP-CAT and make the necessary declarations under article 41 of ICCPR and articles 20, 21 and 22 of CAT (Austria);

137.31. Takes steps to ensure proper and widespread enforcement of article 29 of the Constitution and ratify the Optional Protocol to the Convention against Torture (Denmark);

137.33. Ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);

137.34. Consider becoming a party to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Thailand).

Conclusion

7. **The Government of Islamic Republic of Afghanistan has started the work on accepted Recommendations in cooperation with other ministries and institutions and will compile their detailed answers and will present as the Afghanistan third report on Universal Periodic Review to the United Nations Human Rights Council. The Government of Afghanistan will held many Steering Committee and Technical Working Group meetings in this regard and will ask the members of these committees to provide their precise and detailed responses so that their responses would be compiled and presented to the Human Rights Council. Also, in coordination with sectorial institutions, some raising awareness programmes will be held in relevant organisations. Also the Government of Afghanistan will review and scrutinize the second category Recommendations in order to provide their implementation opportunities and will try to provide precise and detailed responses to these Recommendations in a proper time.**